

REMARKS

Claim 1 has been amended to recite a(1) at least one constituent comprising at least one polymer having a number average molecular weight of from 1000 to 5000. Support for the amendments may be found throughout the Specification, and at least at page 15, lines 27-29.

Claims 1-10, 12-17 and 19-24 are pending in the present application, and are subject to restriction as follows: Group I, claims 1-10, 12-14, drawn to a coating material; Group II, claims 15-17, 19-24, drawn to drawn to a process for coating microporous surfaces.

In response to the Examiner's Restriction, Applicants hereby elect prosecution of Group I, claims 1-10, 12-14, drawn to a coating material, with traverse in view of the following remarks and instant amendment. This election is being made without prejudice to Applicants' rights with respect to the unelected claims, including the right to file divisional application(s) thereon.

Applicants respectfully request reconsideration in view of the following remarks.

It is the Examiner's position that the present application contains inventions that are not so linked as to form a single invention concept under PCT 13.1, therefore, Applicants are required to elect a single invention to which the claims must be restricted.

It is also the Examiner's position that the inventions do not relate to a single general inventive concept under 13.1 because, under 13.2, they lack the same or corresponding special technical feature because the special technical feature, a coating material of claim 1, is anticipated by Palazzotto et al (US 5326621) hereinafter "Palazzotto". (Office Action dated July 16, 2008, page 2.)

Applicants strongly disagree. The compositions disclosed and claimed in Pallazzotto require at least one ethylenically-unsaturated monomer. (Abstract; claim 1)

In contrast, Applicants' amended Claim 1 recites a(1) at least one constituent comprising at least one polymer having a number average molecular weight of from 1000 to 5000.

As such, Palazzotto does not anticipate Applicants' independent claim 1. A compound or composition of matter is anticipated if the disclosure in a single reference

places that compound or composition in possession of the public. *See in re Brown*, 329 F.2d at 1011, 1412 U.S.P.Q. at 249. A reference must “clearly and unequivocally disclose the claimed compound or direct those skilled in the art to the compound ...” *In re Arkley*, 455 F.2d 586, 587, 171 U.S.P.Q. 524, 526 (C.C.P.A. 1972). Nothing in Palazzotto places the present compositions in possession of the public or clearly and unequivocally directs those skilled in the art to make the selection of polymers as claimed in present independent claim 1.

Therefore, Applicants’ independent claim 1 is not anticipated by Palazzotto and comprises a novel special technical feature which involves inventive step and makes a contribution over the disclosure of Palazzotto. The present claims of both Groups I and II are so linked by the novel special technical feature, i.e., the coating material of claim 1, as to form a single general inventive concept satisfying the requirement of unity.

As stated in MPEP 1850: If there is a single general inventive concept that appears novel and involves inventive step, then there is unity of invention and an objection of lack of unity does not arise. [I]f the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect to any claims that depend on the independent claims.

Therefore, Applicants believe that independent claim 1 and dependent claims 2-10, 12-14, 15-17 and 19-24 satisfy the requirement of unity of invention and are allowable. Applicants respectfully request withdrawal of the Restriction Requirement and that all claims in Groups I and II be considered in the present Application.

CONCLUSION

If the Examiner has any questions as to this response, the undersigned is available for a telephone conference at the number below.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 23-3425.

As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful

Respectfully Submitted,

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